THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26075 of 2007

Date: 06.12.2007

Between:

Lagu Mangapathi @ James.

..... PETITIONER

AND

A.P. Southern Power Distribution Company Limited,
rep. by its Superintending Engineer, Operation,
Vijayawada, Krishna District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26075 of 2007

Order:

This writ petition is field seeking a Mandamus declaring the action of the respondents in disconnecting the power supply to the petitioner's agricultural service connection No.1213, situated in his lands covered by Survey No. 454/1 of Katrenipadu village, Krishna District, allegedly, on the ground that he encroached into the forest land, as illegal and arbitrary, and consequently direct the respondents to restore the power supply to the said service connection.

When the matter is taken up for admission, it is represented by the learned Standing Counsel for respondent Nos.1 and 2-APSPDCL that this Court in identical circumstances in W.P.
No. 17835 of 2007, has allowed the writ petition on the ground that the respondents have not issued any show cause notice before disconnecting the power supply.

This Court, in W.P. No. 17835 of 2007, dated 03.08.2007, considered similar issue and allowed the writ petition with the following observations:

> "It is not in dispute that the petitioner was extended power supply through Service Connection No. 1150, after entering into an agreement with the
> 1st respondent, and after being satisfied with his eligibility. It is stated that in the recent past, the District Collector appointed a Committee comprising of experts and during the course of verification, it emerged that the petitioner and several others encroached into vast extents of reserve forest. Obviously, with a view to remove encroachments from the forest land, the authorities of the Revenue and Forest Departments have persuaded the respondents, to disconnect the power supply.
> Even assuming that the petitioner encroached the forest land, the respondents cannot straightaway disconnect the power

> supply. Clause 17.2 of General Terms and Conditions of Supply mandate that whenever the respondents intend to disconnect a power supply on the ground that necessary permission was not obtained by the consumer, a show cause notice is to be issued. Admittedly, such a notice was not issued in the present case.
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> On this short ground, the writ petition is allowed and the respondents are directed to restore power supply to the petitioner. It is, however, open to them to proceed in the matter after complying with the requirements under Clause 17.2 of General Terms and Conditions of Supply."

In the circumstances, following the said judgment of this Court in W.P. No. 17835 of 2007, dated 03.08.2007, this writ petition is also allowed on the same terms. The respondents are directed to restore power supply to the petitioner. It is, however, open to them to proceed in the matter after complying with the requirements under Clause 17.2 of General Terms and Conditions of Supply. No costs.

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N.V. RAMANA, J.

Date: 06.12.2007
Nsr